

### **DETAILED ACTION**

This communication is responsive to Amendment filed 07/14/2009.

Claims 1-2, 4-7, 9-22 are pending in this application. Claims 1, 6, 11 are independent claims.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Mr. Michael Dodd, on November 09, 2009.

Cancel claims 3, 8, 5, 10, 16, 21, 22

The application has been amended as follows:

1. (Currently Amended) At a client computing device having a normal installation behavior for use during a software update installation, the normal installation behavior including a normal user-interface behavior and a normal download behavior used when installing a standard software update, the normal user-interface behavior including presenting a description of a software update and a user-interface control for selecting installation of the software update if desired, the normal download behavior including downloading software updates

in the background to minimize the impact on network bandwidth a computer implemented method for modifying the normal installation behavior of the client computing device during a software update installation, the computer implemented method comprising:

obtaining software update information to be installed on the client computing device, the software update information comprising:

a software update, the software update comprising at least one update to at least one software product previously installed on the client computing device;

a rule for applicability of the software update, the rule for applicability defining one or more conditions at the client computing device; and

an installation attribute comprising a zero system interruption (ZSI) installation attribute, the ZSI installation attribute indicating that the software update is a ZSI software update, the ZSI installation attribute indicating that normal installation behavior at the client computing device is to be modified for installation of the software update, the modified installation behavior indicating a modification to one of the normal user-interface behavior and the normal download behavior so as to not cause any software interruptions during installation; and

determining that the software update is applicable to the client computing device based on determining that the one or more conditions defined by the rule for applicability are met;

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determining that the client computing device is configured for automatic installation of ZSI software updates; and

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in response to the determination that the software update is applicable to the client computing device and that the client computing device is configured for automatic installation of ZSI software updates;

**Deleted:** installation attribute indicates that normal installation behavior at the

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modifying the normal installation behavior at the client computing device, including modifying the normal installation behavior according to the ZSI installation attribute to automatically install the software update, modification of the normal installation behavior modifying at least one of the normal user-interface behavior and normal download behavior, wherein modifying the normal download behavior comprises permitting a download process downloading the software update to compete with other network activities on a current connection at the client computing device so that as much network bandwidth as possible is used when downloading the software update's content so as to download the software update more quickly over the current connection at the client computing device; and automatically installing the software update on the client computing device without further user interaction.

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2. (Currently Amended) The method of Claim 1, wherein the installation attribute further comprises a mandatory installation attribute; and wherein modifying the normal installation behavior of the client computing device includes modifying the normal installation behavior according to the mandatory installation attribute to require the software update be installed on the client computing device and providing a visual indication in the user-interface that a user is unable to unselect installation of the software update.

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3. (Canceled).

4. (Currently Amended) The method of Claim 1, wherein the installation attribute further comprises a deadline installation attribute; and wherein modifying the normal installation behavior of the client computing device includes modify the normal installation behavior according to the deadline installation attribute to:

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determining that the deadline for the deadline installation attribute has passed, and in response to the determination, requiring the software update to be installed on the client computing device.

Deleted: and modifying the standard user-interface behavior to automatically install the software update without further user interaction

Claim 5. (Cancelled).

6. (Currently Amended) A computer program product for use at a client computing device, the client computing device having a normal installation behavior for use during a software update installation, the normal installation behavior including a normal user-interface behavior and a normal download behavior used when installing a standard software update, the normal user-interface behavior including presenting a description of a software update and a user-interface control for selecting installation of the software update if desired, the normal download behavior including downloading software updates in the background to minimize the impact on network bandwidth, the computer program product comprising a computer-readable storage medium having stored thereon computer-executable instructions which, when executed at a processor, cause the client computing device, to implement a method for modifying the normal installation behavior of the client computing device during a software update installation, the method comprising the steps of:

obtaining software update information to be installed on the client computing device, the software update information comprising:

a software update, the software update comprising at least one update to at least one software product previously installed on the client computing device;

a rule for the applicability of the software update, the rule for applicability defining one or more conditions at the client computing device; and

an installation attribute comprising a zero system interruption (ZSI)  
installation attribute, the ZSI installation attribute indicating that the  
software update is a ZSI software update, the ZSI installation attribute  
indicating that normal installation behavior at the client computing device  
is to be modified for installation of the software update, the modified  
installation behavior indicating a modification to one of the normal user-  
interface behavior and the normal download behavior so as to not cause  
any software interruptions during installation; and

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standard update

the processor determining that the software update is applicable to the  
client computing device based on determining that the one or more conditions  
defined by the rule for applicability are met;

determining that the client computing device is configured for automatic  
installation of ZSI software updates; and

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Indicates that normal installation  
behavior at the

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Installation of the software update

in response to the determination that the software update is applicable to  
the client computing device and that the the client computing device is configured  
for automatic installation of ZSI software updates;

**Deleted:** Installation attribute  
Indicates that normal installation  
behavior at

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modifying the normal installation behavior at the client computing  
device, including modifying the normal installation behavior according to  
the ZSI installation attribute to automatically install the software update,  
modification of the normal installation behavior modifying at least one of  
the normal user-interface behavior and normal download behavior used  
when installing a standard update, wherein modifying the normal  
download behavior comprises modifying the normal download behavior to

permit the download process downloading the software update to compete with other network activities on a current connection at the client computing device so that as much network bandwidth as possible is used when downloading the software update's content so as to download the software update more quickly over the current connection at the client computing device; and

~~automatically installing the software update on the client computing device without further user interaction.~~

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7. (Currently Amended) The computer program product of Claim 6, wherein the installation attribute further comprises a mandatory installation attribute; and

wherein selectively modifying the normal installation behavior of the client computing device ~~includes modifying the normal installation behavior according to the mandatory installation attribute to require the software update to be~~ installed on the client computing device and providing a visual indication in the user-interface that a user is unable to unselect installation of the software update.

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8. (Canceled).

9. (Currently Amended) The computer program product of Claim 6, wherein the installation attribute further comprises a deadline installation attribute; and

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wherein modifying the normal installation behavior of the client computing device includes modifying the normal installation behavior according to the deadline installation attribute;

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determining that the deadline for the deadline installation attribute has passed, and in response to the determination, requiring the software update to be installed on the client computing device;

Deleted: and modifying the standard user-interface behavior to automatically install the software update without further user interaction

Claim 10. (Cancelled).

11. (Currently Amended) At a client computing device having a normal installation behavior for use during a software update installation, the normal installation behavior including a normal user-interface behavior and a normal download behavior used when installing a standard software update, the normal user-interface behavior including presenting to a user at the client computing device a description of a software update and a user-interface control for selecting installation of the software update if desired, the normal download behavior including downloading software updates in the background to minimize the impact on network bandwidth, a computer implemented method for modifying the normal installation behavior of the client computing device during a software update installation according to associated installation attributes, the computer implemented method comprising the steps of:

obtaining software update information to be installed on the client computing device, the software update information comprising:



a software update, the software update comprising at least one update to at least one software product previously installed on the client computing device;

a rule for the applicability of the software update, the rule for applicability defining one or more conditions at the client computing device; and

an installation attribute operable for controlling the installation of the software update;

determining whether the installation attribute is a mandatory installation attribute indicating that the software update must be installed by the user, and if so, requiring the software update to be installed and modifying the standard user-interface behavior of the client computing device to provide a visual indication in the user-interface that the user is unable to unselect installation of the software update;

determining whether the installation attribute is a priority installation attribute, and if so, modifying the standard download behavior to permit the download process downloading the software update to compete with other network activities on a current connection at the client computing device so that as much network bandwidth as possible is used when downloading the software update's content so as to download the software update more quickly over the current connection at the client computing device;

determining whether the installation attribute is a deadline installation attribute indicating that the software update must be installed by a corresponding

deadline, and if so, ~~determining whether~~ the corresponding deadline of the deadline attribute has expired, ~~and if so~~, requiring the software update to be installed and modifying the standard user-interface behavior of the client computing device to provide a visual indication in the user-interface that the user is unable to unselect installation of the software update, if the corresponding deadline of the deadline attribute has not expired, modifying the standard user-interface behavior of the client computing device to provide a visual indication in the user-interface that the user must install the software update by the corresponding deadline;

determining whether the installation attribute is a zero service interruption (ZSI) installation attribute indicating that the software update may be installed without any system interruption of the client computing device, wherein a system interruption includes rebooting the client computing device, terminating a software application at the client computing device, and requiring user interaction at the client computing device, and if so, modifying the normal installation behavior of the client computing device with respect to the software update such that the software update will be automatically installed on the client computing device without any system interruption if the client computing device is properly configured; and

installing the update on the client computing device according to the modified installation behavior.

12. (Previously Presented). The method as recited in claim 1, further comprising:

authenticating with an software update service prior to obtaining the software update information, authentication including:

sending a configuration request message to the software update service;

receiving an indication that software update service includes a server side authorization plug-in corresponding to a target group of client computing devices;

determining that the client computing device includes a client side authorization plug-in corresponding to the server side authorization plug-in;

sending an authorization cookie to the software update service in response to the determination, the authorization cookie identifying the target group of client computing devices; and

receiving a server cookie from the software update service containing an identifier for the a target group of client computing devices; and

storing the server cookie at the client device such that the client device can use the server cookie to indicate membership in the target group of client computing devices.

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13. (Previously Presented) The method as recited in claim 12, wherein obtaining software update information to be installed on the client computing device comprises determining that the software update is targeted to the target group of client computing devices.

14. (Previously Presented) The method as recited in claim 1, further comprising:

synchronizing available updates with a software update service, including traversing a software update hierarchy to identify specific software updates that apply to the client computing device, the software update hierarchy including at least a base set of one or more base updates and a second set of one or more second tier updates, wherein proper installation of the second tier updates depends on a prior installation of the base updates, and wherein:

(i) each base update includes one or more applicability conditions to be tested at the client computing device to determine if the base update is applicable to the client computing device; and

(ii) each second tier update includes: (a) one or more applicability conditions to be tested at the client computing device to determine if the second tier update is applicable to the client computing device, (b) prerequisites identifying one or more base updates that are required for proper installation of the second tier update, and (c) an indicator of whether or not the second tier update is a leaf update, wherein a leaf update has no other updates dependent on a prior installation of the leaf update.

15. (Previously Presented) The method as recited in claim 14, wherein obtaining software update information to be installed on the client computing device comprises receiving a selection of one or more software updates from

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among the identified specific software updates that apply to the client computing device.

Claim 16. (Cancelled).

17. (Previously Presented) The method as recited in claim 11, further comprising:

authenticating with an software update service prior to obtaining the software update information, authentication including:

sending a configuration request message to the software update service;

receiving an indication that software update service includes a server side authorization plug-in corresponding to a target group of client computing devices;

determining that the client computing device includes a client side authorization plug-in corresponding to the server side authorization plug-in;

sending an authorization cookie to the software update service in response to the determination, the authorization cookie identifying the target group of client computing devices; and

receiving a server cookie from the software update service containing an identifier for the a target group of client computing devices; and

storing the server cookie at the client device such that the client device can use the server cookie to indicate membership in the target group of client computing devices.

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18. (Previously Presented) The method as recited in claim 17, wherein obtaining software update information to be installed on the client computing device comprises determining that the software update is targeted to the target group of client computing devices.



19. (Currently Amended) The method as recited in claim 11, further comprising subsequent to authenticating:

synchronizing available updates with a software update service, including traversing a software update hierarchy to identify specific software updates that apply to the client computing device, the software update hierarchy including at least a base set of one or more base updates and a second set of one or more second tier updates, wherein proper installation of the second tier updates depends on a prior installation of the base updates, and wherein:

(i) each base update includes one or more applicability conditions to be tested at the client computing device to determine if the base update is applicable to the client computing device; and

(ii) each second tier update includes: (a) one or more applicability conditions to be tested at the client computing device to determine if the second tier update is applicable to the client computing device, (b) prerequisites identifying one or more base updates that are required for proper installation of the second tier update, and (c) an indicator of whether or not the second tier update is a leaf update, wherein a leaf update has no other updates dependent on a prior installation of the leaf update.

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20. (Previously Presented) The method as recited in claim 19, wherein obtaining software update information to be installed on the client computing device comprises receiving a selection of one or more software updates from among the identified specific software updates that apply to the client computing device.

21. (Previously Presented) The method as recited in claim 11, wherein the normal user-interface behavior includes presenting the user a user-interface control to cancel installation of all software updates, regardless of whether the installation attribute for the software update is a mandatory installation attribute.

22. (Previously Presented) The method as recited in claim 11, wherein if it is determined that the corresponding deadline of the deadline attribute has not expired, modifying the standard user-interface behavior of the client computing device to provide a visual indication in the user-interface that the user must install the software update by the corresponding deadline.

### **Statement of Reasons for Allowance**

Claims 1, 2, 4, 6, 7, 9, 11-15, 17-20 are allowed.

The following is an examiner's statement of reasons for allowance.

The present invention is directed to a method for controlling the update installation behavior of a computing device according to a mandatory installation

attribute, a priority installation attribute, a deadline installation attribute, a zero system interruption (ZSI) installation attribute.

All independent claims 1, 6, 11 recite, or similarly recite, in combination with the remaining elements, determining whether the installation attribute is a mandatory installation attribute, a priority installation attribute, a deadline installation attribute, a zero system interruption (ZSI) installation attribute and installing the update on the client computing device according to the modified installation behavior.

The closest prior art, Gazdik et al (US 6,301,708), Lee et al (USPub 2004/0031029), Colvin et al (US 6,799,277) show a similar method of software installation process (Gazdik), of updating software components (Lee), of monitoring software (Colvin). However, Gazdik, Lee, Colvin, singularly or in combination, still fail to anticipate or render the above cited limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo, can be reached on (571) 272-3677. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Miranda Le/

Primary Examiner, Art Unit 2159